IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.3745 OF 2005

Madan Sitaram Mandlik ...Applicant

vs.

State of Maharashtra ...Respondent

Mr.Vikas Shivarkar for the Applicant
Mr.A.S.Gadkari,A.P.P. for State

CORAM: A.S.OKA,J.
DATE : JULY 11,2005.

P.C.:

1. Heard Advocate for the Applicant and the learned A.P.P. for State. The allegation against the Applicant and two others is of commission of offence punishable under Sections 302,364,201 read with Section 34 of Indian Penal Code.

2. The learned Advocate for the Applicant submitted that there is no direct evidence against the Applicant. He submitted that from the time mentioned in the P.M.Notes, it is obvious that the statements of some of the witnesses become doubtful. He submitted that in the statement of the co-accused, no role is ascribed to the Applicant. The learned A.P.P. has brought to my notice the relevant material which is available against the Applicant.

3. The evidence against the Applicant is of last seen together with the victim. The Applicant was arrested on 13th October 2004 and Test Identification parade was held on 1st

November 2004. At least four witnesses who had allegedly seen the deceased being taken by the Applicant and the co-accused Bapu in a autorickshaw have identified the Applicant. The Applicant has been identified by the other witnesses. At this stage, the statement of the co-accused describing the role allegedly played by the accused cannot be considered as the said statement is under Section 27 of Indian Evidence Act. P.M.Notes show that there were 32 injuries on the person of the deceased. There were number of incised wounds in the person of the deceased. There were at least two stab wounds.

4. Considering all these factors, I find no reason to differ from the view taken by the learned Sessions Judge. No case is made out grant of bail. Rejected.

JUDGE